

IRISH LAND COMMISSION—ESTATES COMMISSIONERS.

RETURN to an Order of the Honourable the House of Commons,
dated 20th March, 1905 ;—for

COPY of Instructions issued by the Commissioners for the guidance of Inspectors.

(*Mr. Long*).



Ordered, by THE HOUSE OF COMMONS, to be Printed,
20th March, 1905.

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1905.

IRISH LAND ACT, 1903.

IRISH LAND COMMISSION—ESTATES COMMISSIONERS.

INSTRUCTIONS FOR THE GUIDANCE OF INSPECTORS.

I hereby approve of the following instructions.

(Signed) DUDLEY.

DUBLIN CASTLE,

9th February, 1905.

The following Instructions are issued under the directions and with the approval of the Lord Lieutenant, and are substituted for the Instructions, dated February, 1904, already issued, which are hereby cancelled.

INSTRUCTIONS FOR THE INSPECTION OF ESTATES IN CASES OF SALES TO PERSONS OTHER THAN THE LAND COMMISSION.

I.

1. The Inspector sent to inspect any estate or lands, after giving due notice, which should, as a rule, not be less than two clear days, to the vendor or his agent and the tenants, or to such of them as may appear necessary as set out in the Particulars of Tenancies, and to any other persons who have signed purchase agreements, and whom it may be desirable to notice, shall visit the estate. He should, as soon as possible, prepare and send in a report on the form prescribed, which should give a general description of the estate, noting the nature and character of the land and its physical situation, the purposes for which the holdings are generally used, the condition of the occupiers, and how they work their holdings, the character of any unoccupied land or demesne included in the agreements for sale, and how it is used, and any special advantages or disadvantages that should be brought to the attention of the Commissioners.

Inspection.
General
description of
Estates.

2. Agreements between the vendor and intending purchasers must be obtained for the purchase of every holding and parcel of land comprised in the property finally declared to be an estate for the purposes of the Act. The reports of the Inspectors should be full and complete in the first instance, so as to enable the Commissioners to deal finally with every holding and parcel of land, and to vest it in a particular person, or to exclude it from the sale in extreme cases.

Inspectors should
give sufficient
information to
prevent delay in
sale of entire
estates.

3. If any questions arise during the inspection on which the Inspectors have any doubts, they should be referred for the instructions of the Commissioners immediately, and while the inspection is in progress, without waiting for the completion of the reports on the entire estate.

Inspectors to
apply for special
instructions to the
Commissioners on
questions as to
which they are in
doubt during
inspection.

The Inspector's attention is called to the duty of making the inquiries and report as to the existence of ancient monuments, and the necessity, if any, for house accommodation for labourers on the estate.

whether the suggested division should be permitted or not. If the Inspector considers that it is advisable to divide a holding, he should mark the proposed division on the Map and give the areas. He should also state what he considers to be an equitable apportionment of the agreed price.

Desirability or expediency of amalgamation.

17. Where the same tenant has asked for an advance to enable him to purchase two or more holdings on the same estate, the Inspector should state whether, in his opinion, it would be desirable to have such holdings amalgamated and only one advance made. He should report whether the tenant wishes to keep them separate and his reasons for so wishing, and he should state whether the holdings separately may be considered economic, and their situation, whether contiguous to or at a distance from one another. When an Inspector considers that consolidation is advisable, he should, if possible, obtain the tenant's consent, otherwise delay is incurred by having to obtain it afterwards.

Houses, &c., in towns and villages may be included in estates.

18. Where a purchase agreement lodged in connection with an estate as defined has reference to any holdings not agricultural or pastoral in character, such as houses in towns or villages included in the estate, the Inspector shall carefully consider the question of security and report thereon, as provided in Form E.

Small plots and labourer's cottages.

19. Where a labourer's cottage exists and is at present included in a tenant's holding, and the labourer pays the tenant either by rent or by labour, or occupies the plot rent free by the tenant's permission, it is generally desirable to let the existing arrangement stand.

But where a labourer pays rent to the Vendor of the estate and an application is made for a very small advance for the purchase of a holding, the Inspector should inquire from the tenant whether he can provide the purchase money in cash if so required, and should report accordingly.

Schoolhouses, Churches, and the like.

20. If a schoolmaster holds land in his personal capacity there is no reason why an advance should not be made to him for the purchase thereof, just as to any other tenant, but if he holds as teacher and the land passes with the school to his successor, then the circumstances, so far as they can be ascertained, should be fully reported, and it should be stated who pays the rent of such school plot, to whom such rent is paid, and how much would be secured by the school site and buildings thereon if an advance were made for them. The Commissioners will decide whether the plot and buildings are to be vested in the rent-payer or excluded altogether from the estate.

The same principles apply to church sites, glebes, &c.

Turbary (Sections 4 and 21).

21. The Inspector should report generally as to the turbary on the estate, and should suggest such regulations and schemes as he may think desirable for dealing with the same, having regard to the wants and necessities of the occupiers of the estate and in the neighbourhood. He should adopt the same course with respect to pasture, seaweed, and other similar rights and privileges, and should keep in mind the provisions of Section 4 and of Section 21 as regards the making of advances to trustees for the purchase of parcels of land for such purposes.

Advances to Trustees (Section 4).

22. Where it is desirable that advances for such amount as the Lord Lieutenant may sanction should be made to trustees under Section 4 for the purchase of parcels for the purpose of turbary, pasture, the raising of sand or gravel, gathering of seaweed, planting of trees, or the preservation of game, woods, or plantations, or for the purposes of the Labourers Acts, the Inspector should describe the land or parcel so proposed to be dealt with, and give reasons why it is advisable that the same should be vested in trustees. He should also advise as to the body or the persons who may act as trustees and their suitability for such purposes, and the amount of the advance which may be made to them with due regard to the security. He should also furnish such particulars in his report as will

enable the Lord Lieutenant to frame or approve of a scheme as provided by the 20th Section of the Act.

23. Where any ancient monuments, including any ancient or mediæval structure, erection, or monument, or any remains thereof, which is a matter of public interest by reason of historic, traditional, or artistic interest attaching thereto, exists on a holding or parcel of land in the estate, the Inspector or Surveyor should call special attention thereto with a view to its preservation under Section 14 of the Act, if the same be considered desirable. This report should specify the nature and condition of the monument and how it is at present situated and safeguarded.

Ancient
Monuments
(Section 16).

(Note.—Under the Church Act, 1863, the Ancient Monuments Protection Act, 1882, the Ancient Monuments Protection Act, 1892, a considerable number of ancient monuments have already been vested in or under the guardianship of the Board of Works, a list of which will be furnished to the Inspector. The County Councils are also empowered to take steps for preservation of monuments by Section 19 of the Local Government Act, 1898.)

Under Section 11 of Ancient Monuments Protection Act, 1882, the expression "ancient monument" includes—"The site of such monument and such portion of land adjoining the same as may be required to fence, cover in, or otherwise preserve from injury the monument standing on such site, also the means of access to such monument."

24. The Inspector should make inquiry as to whether accommodation is needed for labourers on the estate, and if of opinion that the existing house accommodation for agricultural labourers and their families is insufficient having regard to the ordinary requirements of the district, he should specify how such accommodation may best be supplied, and should give such particulars as may enable the Land Commission to forward the representation in the Form attached hereto.

Accommodation
for labourers.

For such purpose the Inspectors and Surveyors should give the Commissioners information as to specific cases in which accommodation is required for labourers, stating if possible the farm or holding and the name of the labourer proposed to be provided with such accommodation. Where there is insufficient house accommodation it should be stated as far as possible what additional dwellings it is considered should be provided, and what plots may be allotted therefor so as to enable the Commissioners to comply with the provisions of the Act, and prepare and forward a scheme in accordance with the Form attached to these instructions.

25. Where any question to be reported on depends on or is to be determined by legal considerations, the Inspector should clearly set forth the facts so as to enable the Commissioners to decide how the matter should be dealt with.

Where legal
questions arise
Inspector to
report facts to
enable Commissi-
oners to decide.

II.

In cases within Sections 3, 6, and 8 of the Act, the Inspector may, in addition to complying with the foregoing instructions in so far as they are applicable to the particular case, be deputed to ascertain the willingness of the tenants to purchase except where provisional agreements have been entered into in which case such agreements are to be deemed conclusive evidence of willingness to purchase on the terms of such provisional agreements.

The Inspector may also be deputed to enter into negotiations with the parties either separately or together, provided always that no matter in connection with such negotiations shall without the consent of the party with whom such negotiations were had, be disclosed to any other party interested except to the Land Commission, and in every case all such negotiations are to be deemed strictly privileged and confidential.

APPENDIX.

IRISH LAND COMMISSION—(ESTATES COMMISSIONERS).

SURVEYOR'S REPORT.

General Report by _____ Surveyor

County _____	} Record No. E.C.
Estate of _____	

Maps and Boundaries.

The "particulars" of occupancy of Tenants,
Sub-Tenants and Joint-Tenants.

Ancient Monuments.

Labourers.

E

(Form of Inspector's Field Note Book to be filled up and returned in all cases in which a report on Security is required.)

ESTATE OF _____

COUNTY _____

PURCHASER _____

REGISTER NO. OF AGREEMENT _____

L. Reference to No. on Map.	L. Townland.	S. Area Solemn Measure.	A. Statement Valuation.
		A. S. D.	E. S. d.

L. Rent.	L. Purchase Money.			L. Annuity as % of the Advance.	L. No. of Years Provision of Rent.
	Price Agreed upon.	Advances Applied for.	Payment in cash.		
E. S. d.	E.	E.	E.		

Sub-Tenants and Joint Tenants (if any) on above Holding.

If it is proposed that these should purchase their holdings, give (a) Amount of purchase money of each and reasons therefor. (b) Annuity thereon.

Reference to No. on Map.	Name of Occupier.	Area.	Rent.	Proposed Purchase Money.	Annuity.
		A. S. D.	E. S. d.	E.	E. S. d.

1. Give short description of the holding or parcel, character, use, situation, etc.

2. (a) Could a solvent Tenant, with reasonable capital, skill, and industry, during the continuance of the annuity term pay the annuity ?

(b) Would the farm in the event of default be probably sold subject to the annuity, without prospect of loss in respect of the advance?

3. (a) Is the holding or parcel (or in the case of joint tenancies each separate holding) sufficient security for the advance applied for, or if not, for what lesser sum, with reasons for your opinion in either case?

(b) Are the separate tenancies (if any) property to be created from sub-tenancies security for proposed annuities on them?

4. What are the rates, taxes, Board of Works Charges, Burdened Generations, or other charges

5. What are the nature, character, and condition of the buildings on the holding or parcel, and the value thereof, in so far as the same are requisite for the working of such holding or parcel as an agricultural, pastoral, or mixed farm, and are there any other special matters in connection with such holdings affecting the security?

6. If there are any holdings on the estate which are not of an agricultural or of a pastoral character, what are their nature, character, and condition, and are there any special matters relating thereto affecting the security?

7. Any other circumstances affecting the security which should be brought to the notice of the Commissioners.

Signature of Inspector _____

Date _____

Record Number, R.C. _____

Estate of _____

County _____

INSPECTION SCHEDULES A, B, C, AND D, WILL BE SUPPLIED

Schedule A.—Sec. 1 (2). Judicial Tenancy

L Reference No.		S. Name of Tenant.	L. Townland.	L. Area.			L. Rate.			L. Annuity.			L. Percentage Deduction.		
Agreement.	Map.			A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	

Schedule B.—Abstract of Non-Judicial

L Reference No.		S. Name of Tenant.	L. Townland.	L. Area.			L. Rate.			L. Annuity.			L. Percentage Deduction.		
Agreement.	Map.			A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	

Schedule C.—

L Reference No.		S. Name of Purchaser.	L. Townland.	L. Area.			L. Purchase Money.			L. Price.			L. Advance applied for.		
Agreement.	Map.			A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	

Schedule D.—Sec. 1 (1), (a) and (b) Zones Class

L Reference No.		S. Name of Tenant.	L. Townland.	L. Area.			L. Rate.			L. Bank.			L. Annuity.		
Agreement.	Map.			A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	

NOTE.—Put the Section 1 (C)-(4) cases first, Section 1 (D) O record, and Section 2 coming into force

to the Surveyor, and B, C, and D to the Inspectors.

Agreements outside Zones.

8. Date of Order or Agreement fixing Holding Area.	9. Purchase Money.		10. Is the Tenants in their full occupation of the Holding?	11. Is the Holding security marked upon the Map, and are the areas correct?	12. Is the Holding security for the advances applied for, as per detailed report on Form E?	13. Observations.
	Price agreed upon.	Advance applied for.				

Tenants.

Tenants.	9. Purchase Money.		10. Is the Tenants in their full occupation of the Holding?	11. Is the Holding security marked upon the Map, and are the areas correct?	12. Is the Holding security for the advances applied for, as per detailed report on Form E?	13. Observations.
	Price agreed upon.	Advance applied for.				

* In this column answer Yes or No, and refer to separate report in Form E.

Parcels.

10. Description of Purchase, whether by reference to Section 6, 7, 8, 9, 10, Section 11, or under Section 4.			8. Is the proposed parcel marked upon the Map, and are the areas correct?	9. Is the Parcel marked upon the Map, and are the areas correct?	11. Is the Parcel security for the advances applied for, as per detailed report on Form H?	12. Observations.
1.	2.	3.				

* In this column answer Yes or No, and refer to separate report in Form H.

and Zone (B) coming into Zone (A).

1. Drainage Reduction.	2. Date of Order or Agreement fixing Holding Area.	3. Advances applied for Whole Purchase Money.	10. Is the Tenants in their full occupation of the Holding?	11. Is the Holding security marked upon the Map, and are the areas correct?	12. Observations.

1 third, and a heading or side note to indicate difference, with a line drawn between in each case.

IRISH LAND

SCHEDULE TO REPORT

Record Number (E.C.) _____

Estate of _____

PART I.—

Register No. of Agreement.	Name of Tenant.	Reference No. of Holdings on Map.	Townland.	Area.	Tenant Valuation.	Tenure of Tenant.	If Judicial, date of Order or Agreement giving Judicial Rec.
(1)	(2)	(3)	(4)	A. R. P.	(5)	(6)	(7)

Columns 1 to 8 will be filled up in the office, the remaining

ACT, 1903.

OF PURCHASE INSPECTOR.

County _____

TENANTED LAND.

Ref.	Estimated Area of Building	Area of Land from Plan.	Percentage Distribution of Area as measured with Chain.	Area which Tenant is willing to give for Building.	Reference to right of giving Measuring Instrument.	Is the Tenanted area for construction of the Building?	Is the Building correctly marked upon the Plan? and are the areas correct?	Observations.		
									(1)	(2)
E. S. d.										

Columns are to be filled up by the Inspector.

PART
UNTENANTED LANDS

Reference Number on Map.	Whether Occupied or Unoccupied Land.	Township.	Area.	Current Valuation.			Estimated price.		
				(a)	(b)	(c)	(d)	(e)	(f)
				A.	B.	C.	L.	s.	d.

II.

AND DEMESNE LANDS.

Amount. (D)	Price offered for Fallow. (D)	Whether person making offer owns or may own, and which of the classes specified in Sect. 5.	Suggested Scheme for dealing with Fallow -- whether bought back by owner or disposed of to other person. (S)	Observations.
£ s. d.	£ s. d.			

PART III.

Miscellaneous Rights, Benefits, Appurtenances, &c., that add to Value of the Estate.

Reference Number on Map.	Particulars describing and nature of Rights, &c.	Tovaland	Tenement Fallowing (or any).	Estimated Price.	Accuracy.	Price offered by other persons, if any, and by whom.	Suggested Scheme for dealing with such Rights, &c.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			\$ s d.	\$	\$ s d.	\$	

(Form F to be filled up when a Scheme for Labourers' Cottages is recommended.)

IRISH LAND COMMISSION.

ESTATES COMMISSIONERS.

IRISH LAND ACT, 1903 (SECTION 96), AND LABOURERS' (IRELAND) ACTS, 1883-1895.

Estate of _____*Union of* _____*Rural District of* _____*Townland* _____*County* _____

AN APPLICATION having been made to the Irish Land Commission to sanction advances for the purchase of holdings comprised in the above Estate, and inquiry having been made on our behalf as to whether accommodation is needed for Labourers on the said Estate, We, being members of the Land Commission, being of opinion that such accommodation is needed, and that the existing house accommodation is insufficient, having regard to the requirements of the said Estate, do represent to the Local Government Board for Ireland and to the Council of the _____ Rural District, that in accordance with the Labourers (Ireland) Acts, 1883 to 1895, and the 96th Section of the Irish Land Act, 1903, provision should be made for the erection of _____ dwellings for the said Estate on the holding of _____

No. _____ on Map _____

Dated _____ day of _____ 190 _____